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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,298	01/20/2004	Shunichi Sekiguchi	2565-0277P	7183

2292 7590 09/18/2009  
BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER
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VO, TUNG T

ART UNIT	PAPER NUMBER
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2621

NOTIFICATION DATE	DELIVERY MODE
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09/18/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/759,298	<b>Applicant(s)</b> SEKIGUCHI ET AL.	
	<b>Examiner</b> Tung Vo	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 24-26 is/are pending in the application.
- 4a) Of the above claim(s) 1-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 24-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 09/142,577.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/16/09; 06/04/09; 05/08/09; 03/18/09; 02/13/09;</u>         | 6) <input type="checkbox"/> Other: _____                          |
| <u>12/18/08; 12/16/08</u>  |   |



## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 24 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki et al. (US 5,481,553) as set forth in the Office Action mailed on 12/10/2008.

3. Claims 24 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Boon (US 5,767,911) as set forth in the Office Action mailed on 12/10/2008.

4. Claim 26 is rejected under 35 U.S.C. 102(e) as being anticipated by Fukuhara et al. (US 6,381,275).

Re claim 26, Fukuhara teaches a decoding apparatus (fig. 7) for decoding a moving picture with motion compensated prediction (23 of fig. 7), the apparatus comprising: a memory (9 and 10 of fig. 7) that stores picture data as a reference for prediction; and a prediction picture generation section (23 of fig. 7) that includes a motion compensator that receives a parameter representing a motion of a picture segment to be predicted, and generates a predicted picture

(115 of fig. 1) from the stored picture data based on the parameter; and a memory update unit (35 of fig. 1) that updates the picture data stored in the memory (col. 12, lines 34-38), and controls the capacity of the memory (col. 12, lines 14-20).

### ***Response to Arguments***

5. Applicant's arguments filed 06/06/09 have been fully considered but they are not persuasive.

Applicants respectfully submit that Suzuki is completely silent regarding any control over the capacity of a reference picture memory area as claimed.

The examiner respectfully disagrees with the applicant. It is submitted that Suzuki teaches a block of the reconstructed picture (13-16, S5 of fig. 6) stored in the one of the picture memories (4 of fig. 6) specified by the memory controller (3 of fig. 6) (col. 33, lines 59-65), so the memory control (3 of fig. 6) enables to determine a space available of one of the memories to store the block of the reconstructed picture. This disclosure suggests a capacity of one of the memories (4 of fig. 6) is specified by the memory control (3 of fig. 6).

Applicants respectfully submit that although Boon does disclose a plurality of memories, Boon does not teach or suggest "a memory update unit that updates the picture data stored in at least one of the plurality of memories in the reference picture memory area, and controls the capacity of the reference picture memory area" as claimed.

The examiner respectfully disagrees with the applicant. It is submitted that a memory update unit (341 of fig. 1, see figs. 9A-9C) that updates the picture data stored in at least one of the plurality of memories in the reference picture memory area (col. 6, lines 5-10, note the

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reproduced template stored to the first frame memory 342 is also updated at either regular or irregular intervals) and controls capacity of the reference memory area ( col. 10, lines 2-8, note the size of each of the first and second frame memories can be smaller than one frame, this suggests the control of capacity of the memory).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung Vo whose telephone number is 571-272-7340. The examiner can normally be reached on Monday-Wednesday, Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tung Vo/  
Primary Examiner, Art Unit 2621